

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Joseph Thomas Mulkerin**

**Docket No. 5:07-CR-264-1F**

**Petition for Action on Supervised Release**

COMES NOW Robert L. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Joseph Thomas Mulkerin, who, upon an earlier plea of guilty to Taking and Carrying Away, With Intent to Steal and Purloin, Money Belonging to a Federally Insured Bank was sentenced on November 13, 2008, by the Honorable James C. Fox, Senior U.S. District Judge, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Additionally, the defendant was ordered to pay \$1,799 restitution at a rate of \$100 per month to begin 60 days after his release from imprisonment. On December 8, 2009, the defendant was resentenced to 78 months imprisonment. Joseph Thomas Mulkerin was released from custody on October 24, 2012, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** Joseph Thomas Mulkerin released from the imprisonment portion of his sentence on October 24, 2012, in the Middle District of Pennsylvania. His probation officer there reports that Mr. Mulkerin earns \$750 per month from his employment. Mr. Mulkerin has not yet made any payments towards his financial obligations to the court since his release; however, he has been compliant with other conditions of supervision. The probation officer recommends that monthly payments be reduced to \$50 and that collection efforts continue.

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**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows: Restitution be paid at a rate of \$50 monthly beginning 30 days from this order.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28304  
Phone: 910-483-8613  
Executed On: March 5, 2013

**ORDER OF COURT**

Considered and ordered this 5<sup>th</sup> day of March, 2013, and ordered filed and made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge